



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,051	12/29/2000	Shogo Fujimori	1614.1109	7012

21171 7590 03/14/2005

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

GARCIA OTERO, EDUARDO

ART UNIT PAPER NUMBER

2123

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 09/750,051	Applicant(s) FUJIMORI ET AL.	
	Examiner Eduardo Garcia-Otero	Art Unit 2123	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 January 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1-22.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

Regarding 09/750,051

Continuation of 11. does NOT place the application in condition for allowance because: It does not overcome the pending rejections, see attached discussion.

The Examiner will use the same headings that the Applicant used.

SUBSTANCE OF INTERVIEW.

Regarding the flow of FIG 4. During the interview, while discussing the claims, the Applicant discussed FIG 4. Upon careful review during the interview, FIG 4 does not appear to have a feedback/optimizing loop as discussed in the claims. Rather, FIG 4 appears to have some kind of feedforward loop, which branches from element 5 to elements 6 or element 7. This type of feedforward branching is generally displayed by a diamond that indicates the type of branching decision which decides which path to follow.

FIG 4 does not appear to have a feedback loop which is typical of optimization procedures. In view of the specification and the claims, FIG 4 does not appear to be functional, and certainly does not follow standard flow diagram conventions for illustrating branching.

ITEMS 20-22

Applicant asserts that the term "characterizing" is definite, and is defined as "whether or not a noise exceeding a tolerable range exists in the signal waveform". This is a reasonable definition, supported by the context, and the Examiner withdraws the rejection of claim 2 for indefiniteness.

ITEMS 30-48

Applicant unpersuasively asserts that the Tsuchida's looping path is merely a general PCB design procedure, and does not disclose Applicant's claim limitations.

Applicant asserts that, for example, requiring a damping resistor is not taught by Tsuchida. The Examiner does not address this issue, because no claims expressly require a damping resistor.

ITEM 49, AND ITEM 50.

Applicant unpersuasively asserts that Tsuchida does not disclose "calculating... comparing... determine...".

ITEMS 54-58, 68

Applicant asserts that the Examiner has not satisfied the requirements of MPEP 707(f) that all material traversed must be explained ("an examiner must provide clear explanations of all actions taken by the examiner during prosecution of an application"). Specifically, the Applicant asserts that the Examiner merely repeated the contentions from the previous action.

The Examiner believes that the contentions from the previous action are an adequate clear explanation, and that further additional explanations are not necessary because one of ordinary skill in the art of circuit design would be well acquainted with Dorf's damped circuit oscillations, including: critically damped, overdamped, underdamped, rise time, maximum overshoot, maximum undershoot, and steady state error as clearly shown in the Dorf FIG. All of these performance parameters are classic measurements for a transient response of a second order system using a step input. These issues are generally taught at the third year of an undergraduate electrical engineering curriculum, and the level of skill in the art of circuit design at least includes this level of skill.

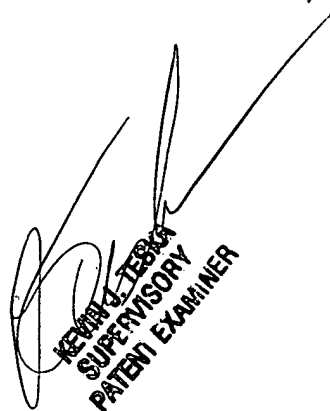
Thus, the finality of the prior office action is maintained.

ALL ADDITIONAL ITEMS

Similar to the above, all of the prior art rejections are maintained.

SUMMARY

The indefiniteness rejection of claim 2 is withdrawn.
The prior art rejections of all pending claims are maintained.


KEVIN TSUCHIDA
SUPERVISORY
PATENT EXAMINER